



THE FORT ST. GEORGE GAZETTE

EXTRAORDINARY

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MADRAS, FRIDAY, SEPTEMBER 1, 1939

LEGAL DEPARTMENT.

Passports Ordinance, 1939 (Ordinance No. 1 of 1939,
and the Passports Order, 1939)

No. 8.

The Passports Ordinance, 1939 (Ordinance No. 1
of 1939), and the Passports Order, 1939, which were
published in the Gazette of India Extraordinary on
20th August 1939 are republished—

SHORT EXPLANATION.

ORDINANCE No. 1 OF 1939

An Ordinance to provide for the imposition
of restrictions on foreigners.

Whereas an emergency law which makes it
necessary to provide for the imposition of restric-
tions on the entry of foreigners into British India,
these powers thereof and those departing therefrom.

Now, therefore, in exercise of the powers conferred
by section 75 of the Government of India Act as set
out in the Ninth Schedule in the Government of
India Act, 1935, the Government hereby is pleased to
make and promulgate the following Ordinance:—

1. On 1st of September may be called the Passports
Ordinance, 1939.

(1) It extends to the whole of British India.

(2) It shall come into force at once.

2. In this Ordinance—

(a) "foreigner" has the meaning assigned to
it in the Passports Act, 1938, except that it does
not include—

(i) any ruler or subject of any Indian State;

or

(ii) any ruler of the tribal areas;

(3) "prohibited" means prohibited by orders
made under this Ordinance;

(4) "specified" means specified by direction of
a prescribed authority.

3. (1) The Central Government may, by order, make
provisions, other than those with respect to all foreign-
ers or with respect to any particular foreigner or
any specified class or description of foreigners, for
prohibiting, regulating or restricting the entry of
foreigners into British India or their departure
therefrom at their pleasure or according to the
directions.

(2) In particular, and without prejudice to the
generality of the foregoing power, orders made under
this section may provide that the foreigner—

(a) shall not enter British India, or shall enter
British India only at such times and by such route
and at such port or place and subject to the observ-
ance of such conditions as may be prescribed;

(b) shall not depart from British India, or shall
depart only at such times and by such route and
from such port or place and subject to the observ-
ance of such conditions as may be prescribed;

(c) shall not remain in British India or in any
prescribed area therein;

(d) shall remove himself to, and remain in,
such area in British India as may be prescribed;

(e) shall comply with such conditions as may
be prescribed as specified—

(i) requiring him to reside in a particular
place;

(ii) imposing any restrictions on his move-
ments;

(3) Restricting him to furnish such proof of
his identity and to report such particulars
to such authority in such manner and at
such time and place as may be prescribed
or specified;

(4) requiring him to allow his photograph
and finger impressions to be taken and to
forward specimens of his handwriting and
signature in such manner and at such
time and place as may be prescribed or
specified;

(5) prohibiting him from association with
persons of a specified or specified descrip-
tion;

(6) prohibiting him from engaging in occu-
pation of a specified or specified description;

(7) prohibiting him from using or pos-
sessing specified or specified articles, or
from otherwise engaging his conduct in any
such particular as may be prescribed or
specified;

(8) shall enter into a bond, with or without
security for the due observance of, or for an alternative
to the observance of, any or all prescribed or specified
conditions or conditions, or

(9) shall be arrested and detained or otherwise
and may make provision for such incidental and sup-
plementary matters as may, in the opinion of the
Central Government, be required or necessary for
giving effect to this Ordinance.

4. (1) The *long-run* characteristic referred to as an interval is a report of where there is a trend and other data under change (2) of adjustment (3) of means (4) showing that to be decreased or increased, and be detected or retained in such place and manner and subject to such conditions as to maintenance, duration and the probability of efficiency and benefits of such plan as the Central Government may from time to time determine.

(ii) knowingly equal an inference to escape from custody or knowingly hinder an arrest

(d) give an explicit reference and citation with regard to the project, leader or initiator with the responsibility of the initiator.

(2) The Central Government may by order provide for publishing stories to, and the conduct of persons in, places in British India where travellers are detained and for prohibiting or regulating the dispatch or conveyance of mail outside such places or for increasing the rate of such articles as may be carried.

(4) No proceedings shall be taken by notice or subpoenaing (A) or subpoenaing (B) against any person in respect of any act done by such person, by or through himself or his interests.

8. (1) No person who is in British India at the date on which this Ordinance comes into force shall while in British India after that date, become or use or purport to become or use for any purpose any name other than that by which he was lawfully known immediately before the said date.

30 Where, after the date on which the Ordinance came into force, any foreigner arrives on or proceeds to any place in the State for the purpose of carrying on any business or trade with any other person and sends his baggage, trunk, or other articles, or any of them, under any name or alias which is not the name or alias of the person to whom such articles, or any of them, are immediately delivered, he shall be deemed to be using a name other than that by which he was ordinarily known immediately before the date of the Ordinance.

(4) In relation to any foreigner who, not having been a British subject on the date on which the Ordinance came into force, thereafter became British subject, subsections (1) and (2) shall have effect as if the word "reference" in those subsections is the date on which this Ordinance came into force there was substituted a reference to the date on which he first became British subject thereafter.

(1) For the purpose of this section—

(c) the approving 'name' includes a name and

(b) a game shall be deemed to be changed if the conflict thereof is altered.

(d) Nothing in this section shall apply to the execution of any:

(c) if any name in possession of a Royal Commission;

(f) by any married woman, of her husband's

6 day ticket. Magistrate and my Commissioner of Police, where there is no Commissioner of Police, my Superintendent of Police, may, for any purpose connected with the enforcement of the Ordinance or any order made thereunder, enter, with such assistance as he may think fit, any vessel or aircraft at any port or place in British India and there-

(c) direct the master of the vessel or the pilot of the aircraft, as the case may be, to . . .

[illegible]

Or to answer to the host of his gladly any questions relating to the passengers who are on board.

or who have died abroad in any part of British India, and

Q4 If any foreigner seeking to enter British India on board with regard to animals does not give satisfactory response for entering British India, what:-

(i) refuse to allow each foreigner to disembark from such vessel at arrival; or

1-1) place two smaller seeds pointed as may be presented as wanted.

7. If any question arising with reference to this Ordinance or any order made or about to be made

disproportion, whether the person is or is not a foreigner or is or is not a beneficiary of a particular class or description, the means of proving that such person is not a foreigner or is not a beneficiary of such particular class or description, as the case may be, shall, notwithstanding anything contained of the Income Taxation Act, 1922, be such as shall prove

§ The Central Government may, by order, direct that, any or all of the provisions of the Ordinance or the orders made thereunder shall not apply, or shall apply only with such modifications or subject to such conditions as may be specified in and in relation to any individual, class or class of persons or in connection with any business.

[illegible]

(4) Any police officer may take such steps and use such force as may, in his opinion, be reasonably necessary for securing compliance with any order made or direction given under or in pursuance of the provisions of this Ordinance or for preventing or remedying any breach of such order or direction.

(d) The power conferred by this section shall be deemed to confer upon any person acting in concert therewith a right of access to any land or other premises whatsoever.

18. Any authority upon which may pertain to make or give any direction, command or prohibition in the

is and which will be confirmed by the Commission as by any other means thereafter, and, unless approval is made to the contrary, to submit evidence, consistently to following, any author, subordinate or it to exercise such power as is laid in, and therefore, the said, authorities, officers, staff, subject to such conditions as may be contained in the subordinates, by desired to be the author, given which such power is confirmed, by or under the

21. (a) Any person who attempts to contravene, or abet, or conspires to abet, or does any act grossly inimical to, or subversive of, the provisions of this Ordinance or of any order made or deemed to have been made, or fails to comply with any direction given in pursuance of any such order, shall be deemed to have contravened the provisions of this Ordinance.

(f) Any person who, knowing or having reason to believe that any other person has contravened the provisions of this Ordinance or of any order made or direction given thereunder, gives that other person any assistance with intent directly or indirectly to prevent, hinder or otherwise interfere with his arrest, trial or proceedings for the said contravention, shall be deemed to have committed that contravention.

14. The master of any vessel or the pilot of any aircraft, or any other person, by means of whom any foreigner enters or leaves British India in any form of any motor road vehicle, or otherwise, is, in pursuance of, SECTION 2, shall, unless he proves that he exercised all due diligence to prevent the said contravention, be deemed to have contravened this Ordinance.

proviso

14. If any person commences the prosecution of this Ordinance or of any order made thereunder, or any criminal offence in pursuance of this Ordinance at such order, he shall be punished with imprisonment for a term which may extend to two years and shall also be liable to fine; and if such person has entered into a bond in pursuance of clause (1) of sub-section (2) of section 3, he shall not be released until and until person bound thereby shall pay the penalty thereof, or show cause to the satisfaction of the Magistrate Court why such penalty should not be paid.

provision to prevent any person from doing

15. No rule, proclamation or other legal proceeding shall be issued nor shall any person be punished which is in good faith done or intended to be done under this Ordinance.

applicability of this Ordinance to persons

16. The provisions of this Ordinance shall be in addition to, and not in derogation of, the provisions of the Foreigners Act, 1925, the Registration of Foreigners Act, 1926, and of any other enactment for the time being in force.

L. 100/1926
Foreign and Governmental.

Sd/-,
The 28th August 1926.

(Signed) by order of His Excellency
the Governor.

F. AFZO NAIR,
Secretary to Government, Legal Department.

AND PROCLAMATION

(Proclamation)

ORDER UNDER THE FOREIGNERS ORDINANCE.

WE, ELIZABETH, dated 28th August 1926
In exercise of the powers conferred by section 3 of the Foreigners Ordinance, 1925, do hereby order that the following Order be made in pursuance of the said Ordinance.

1. (1) This Order may be cited the Foreigners Order, 1926.

(2) It shall come into force at once.

(3) It extends to the whole of British India including those excluded and partly excluded areas in which the Foreigners Ordinance, 1925, has been, or may hereafter be, applied, or application under subsection (1) of section 36 of the Government of India Act, 1919.

2. In the Order "Registration Officer" means person, a Registration Officer as defined in the Registration of Foreigners Act, 1926.

3. The Central Government may appoint and remove officers for the purposes of this Order in such territories as it thinks fit.

4. (1) Notwithstanding anything contained in the Indian Foreigners Act, 1925, if in the rules made thereunder, the civil authority may punish the owner of any foreigner (not British India).

(2) No foreigner shall depart from British India without the permission of the civil authority for the port or other place of departure.

5. (1) No foreigner shall, without the permission of the civil authority, trade, or engage in, any business, profession, or service in the Indian Union defined in the Indian Foreigners Act, 1925.

(2) Where any foreigner is, on the commencement of this Order, residing in any prohibited place and is not permitted to continue to reside there, he shall, within such time as may be specified by the civil authority, remove himself from such place.

6. No foreigner shall, without the permission of the civil authority, enter any premises or place, or be employed in, or in connection with—

(a) any undertaking for the supply of Government or to the public of light, petroleum, power or water, or

(b) any other undertaking which may be specified in this behalf by the Central Government.

H. COMAR-CHIEF,
Secretary to the Government of India.

(Signed) by order of His Excellency
the Governor.

F. AFZO NAIR,
Secretary to Government, Legal Department.

to be made, and to be made, and to be made,